G. R. S. 59] GPB—15,000—20-12-13

GENERAL AND REVENUE SECRETARIAT.

1903-04
~~191~~.
(Courts.) ✓

File No. 171 of 03-1p

Serial Nos. ~~171 of 03-4~~ 1-02

Papers Filed.

Counterm 4-9
do

Month Nov: 03

SUBJECT.

Reduction of the monthly deductions of ~~4~~ ½ of Mrs Vanderlowen's pension to 1/8 ~~of the~~ ~~Govt~~.

PREVIOUS REFERENCES.	LATER REFERENCES.
	cfs 319-14.

Indexed B Sundaram Rao.

Matter alternative
is not unreasonable /
Submit with usual
course with a note
of the case

Ind. P.M.K.

22-10-03

Transferred to the
~~Pension & Allowance~~
Jud
Branch with reference
to note below order

29-10-03

31/10/03

1695

1903-04

No. 977

Name of Petitioner T. J. Vanderlow

Village Late Principal, Munsiff

Taluk Bangalore City

District

Date of Arzi 19 } -10-03
Date of Receipt 24 }

Date of Disposal

No. of Enclosure Nil.

ABSTRACT

Complains that the Govt. have ordered to withhold a fourth of his pension, in connection with the case of defalcation committed by the Manager of the Munsiff's Court Bangalore, and

prays that in consideration of his long service and of his

having no other means
of living than pension
that the order may be
cancelled and the Treasury
officer may be directed
to disburse to the person
full pension. or
if this cannot be done,
that one eighth of his
pension may be deducted.

9/10/03

Mysore Government
General and Revenue Secretariat
Petition Department
Reg'd No 977 R
Date 26-10-1903

To

Sir P. N. Kristnamurti, C.I.E.,

Dewan of Mysore,

Bangalore.

977

The humble Petition of **T. J. Vanderlowen,** late Principal Munsiff and First Class Magistrate of Bangalore, very humbly and respectfully sheweth :—

1. That Your Petitioner served the Mysore Government honestly and faithfully for a period of 34 years.

2. That Your Petitioner while he was still in harness was unfortunately stricken with a sudden stroke of paralysis, which totally incapacitated him for work for nearly a year.

3. That the cause of this sudden stroke of paralysis was attributed by Your Petitioner's medical attendants to excessive mental strain.

4. That the excessive mental strain was the result of Your humble Petitioner being expected to do that amount of work which is now shared by two Courts, namely, the Court of the Principal Munsiff and the Court of the Additional Munsiff of Bangalore.

5. That all this work of the two Courts used to be attended to solely and entirely by Your humble Petitioner alone (the Court of Additional Munsiff not having been in existence then), and that Your Petitioner by so doing, saved the Government of Mysore about a sum of Rs. 1,000 a month which the Government now incurs, owing to the establishment of two Courts.

6. That Your Petitioner after suffering from the serious illness for nearly a year, improved to some degree owing to skilful medical aid at the hands of the best medical practitioners both here and in Madras, and rejoined his work as Principal Munsiff of Bangalore, *sheerly owing to necessity*, although physically he had not altogether recovered.

7. That in this state Your humble Petitioner was not able to cope with the heavy work of the Court and accordingly retired from service in June 1898 on a well deserved pension of Rs. 139-10-0 a month.

8. That this small pension of Rs. 139-10-0 which itself was hardly sufficient to meet the wants of Your Petitioner on account of his illness, has been since last month docked by a fourth, by the Government, with the view, as is alleged, of making good the sum of money defalcated by the Nazir of the Court who was convicted and sentenced to imprisonment for misappropriation.

9. That the defalcations by the aforesaid Nazir of the Court extended over a period beginning from Your Petitioner's predecessor's time to his successor's time, and were discovered only during Your Petitioner's successor's successor's time.

10. That Your Petitioner was then, i. e., more than 5 years after his retirement, called upon for the explanation of a series of items in respect of which money seemed to have been misappropriated by the Nazir of the Court and this Your humble Petitioner represented to the Government both on account of his absolute physical inability and also not having any access to the Court books, after such length of time as five years was not in a position to do.

11. That the Government has, thereupon without any further enquiry, in the absence of Your Petitioner, passed orders directing the Treasury Officer of Bangalore to withhold ¼ of Your humble Petitioner's humble pension of Rs. 139-10-0 thus leaving Your Petitioner the sum of Rs. 105 only for himself in his present state of illness and his family to live upon.

12. That Your Petitioner has absolutely no other means than his pension.

13. Your Petitioner also begs to represent that it is hardly fair in the case of pensioners, that no difference should be made between them and those in service in the matter of retrenchment of salaries and pensions and that pensioners who draw only as a rule half of the salaries (and in the case of Your Petitioner being less than half—not having drawn Rs. 300 for a period of 5 years) should pay at the same rate, viz., ¼ as officers in service, is a great hardship to Your Petitioner.

14. In conclusion Your humble Petitioner respectfully begs to submit for the favorable consideration of His Excellency the Dewan that the Pension Code and the Mysore Civil Regulations are the only two Codes that deal with the pensions granted to pensioners. There is no provision made in these Codes to reduce, retrench or stop the pension of the pensioner under the circumstances recited above by Your humble Petitioner.

15. Your humble Petitioner therefore most respectfully prays that his unfortunate paralysed condition (*having been paralysed* for the last 7 years) and the consequent necessity of being always under medical treatment (which means considerable expensive which has to be paid out of his pension) may be taken into consideration—as also the circumstance that he is in the enjoyment of a small pension, without any other resources, on which he and his family have to maintain themselves) and that Your Excellency will be pleased to move the Government to cancel the *order* directing the Treasury Officer to withhold ¼ of his pension and restore him the original pension of Rs. 139-10-0 which he earned after a long and meritorious service of 35 years to the Mysore State or if that cannot possibly be done, that Your Excellency will be pleased to reduce the rate from ¼ to ⅛ as he is only a pensioner, and accordingly he cannot be equitably placed on the same footing as those officials who draw full pay—an act of benevolence for which Your humble Petitioner will, as in duty bound, EVER PRAY,

BANGALORE,
Dated 19 Oct 1903.

Your humble Servant
O. Vaidyalingam

Mysore Govt., Gen. & Rev. Secretariat

Branch

File No. (if any) and its date—

Office Draft.

Progs. of the Govt. of H. H. the Maharaja of Mysore.

Read: Petition No. 977 dated 19th October 1903, from Mr. T. J. Vanderlowen Pensioned Moonsiff, praying either that the order directing the Treasury officer to withhold 1/4th of his pension in adjustment of the amount payable by him under ~~Order~~: Govt. order No. J. 1372-3 dated 5th March 1903, may be cancelled, or that if this cannot be done, the rate of deduction may be reduced from 1/4th to 1/8th of ~~the~~ his pension

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Order thereon:—

The order enforcing the responsibility of the presiding officers (of whom Mr. Vanderlowen was one) for acts of embezzlement of Court

moneys. Committed during their ~~Honours~~ time. Cannot be reconsidered but in consideration of the fact that Mr Vanderlowen is now a pensioner, & that he represents that a deduction of 1/4th of his pension puts him to pecuniary pressure, Govt are pleased, as a Special case, to accede to his own request, viz, that the proportion of monthly deductions from his pension be reduced with effect from the current month to 1/8th of the amount thereof. The Comptroller, Mysore Govt will arrange accordingly.

Hy
13/11/3

1/11/03

Secretary

10.11.03

To the Comptroller, Mysore
Mr J. J. Vanderlowen, Govt Pensioner, Bangalore